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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------|------------------|
| 10/718,446 | 11/19/2003 | James M. Carroll | 638560-27 | 9845 |
| 23879 | 7590 | 04/12/2006 | EXAMINER PURVIS, SUE A | |
| BRIAN M BERLINER, ESQ O'MELVENY & MYERS, LLP 400 SOUTH HOPE STREET LOS ANGELES, CA 90071-2899 | | | ART UNIT 1734 | PAPER NUMBER |

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|---------------------------|-------------------|
| Notice of Abandonment | Application No. | Applicant(s) |
| | 10/718,446 | CARROLL, JAMES M. |
| | Examiner Sue A. Purvis | Art Unit 1734 |
| -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-- | | |
| This application is abandoned in view of: | | |
| 1. <input checked="" type="checkbox"/> Applicant's failure to timely file a proper reply to the Office letter mailed on <u>28 September 2005</u> . (a) <input type="checkbox"/> A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____. (b) <input type="checkbox"/> A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114). (c) <input type="checkbox"/> A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below). (d) <input checked="" type="checkbox"/> No reply has been received. | | |
| 2. <input type="checkbox"/> Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85). (a) <input type="checkbox"/> The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85). (b) <input type="checkbox"/> The submitted fee of \$_____ is insufficient. A balance of \$_____ is due. The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____. (c) <input type="checkbox"/> The issue fee and publication fee, if applicable, has not been received. | | |
| 3. <input type="checkbox"/> Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37). (a) <input type="checkbox"/> Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply. (b) <input type="checkbox"/> No corrected drawings have been received. | | |
| 4. <input type="checkbox"/> The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants. | | |
| 5. <input type="checkbox"/> The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application. | | |
| 6. <input type="checkbox"/> The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims. | | |
| 7. <input type="checkbox"/> The reason(s) below: | | |
|  Sue A. Purvis Primary Examiner Art Unit: 1734 | | |
| Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term. | | |